

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: REQUEST FOR JUDICIAL  
ASSISTANCE FROM THE TWENTY-  
NINTH CIVIL JUDGE,

Case No. [23-mc-80084-DMR](#)

**SECOND ORDER RE: EX PARTE  
APPLICATION FOR DISCOVERY  
PURSUANT TO 28 U.S.C. § 1782**

Petitioner United States of America filed an ex parte application for an order pursuant to 28 U.S.C. § 1782 to execute a Letter of Request from judicial authorities in Mexico City, Mexico for international judicial assistance to obtain certain information and documents from three parties: Google LLC, Twitter, Inc., and Automattic Inc. [Docket No. 1.] The court cannot decide the application without the consent of all parties. *See CPC Pat. Techs. Pty Ltd. v. Apple, Inc.*, 34 F.4th 801, 808 (9th Cir. 2022) (holding that section 1782 applications for discovery are dispositive within the meaning of 28 U.S.C. § 636(b)(1)). Accordingly, on March 23, 2023 the court ordered Petitioner to serve the application on Google, Twitter, and Automattic and file proof of service. The court also ordered Google, Twitter, and Automattic to file any response to the application by April 20, 2023. It ordered all parties to file either the consent or declination form indicating whether they consent to the jurisdiction of the Magistrate Judge in this matter by the same deadline. [Docket No. 4.]

Petitioner timely filed proof of service of the application and the March 23, 2023 Order as well as a consent form. [Docket Nos. 5, 6.] However, only X Corp., successor in interest to Twitter, filed a response to the application and a consent form. [Docket Nos. 8, 9.] Neither Google nor Automattic responded to the court's order. Google and Automattic are again ordered

1 to file either the consent or declination form indicating whether they consent to the jurisdiction of  
2 the Magistrate Judge in this matter, along with any response to the application, by no later than  
3 **May 19, 2023**. Any party is free to withhold consent to proceed before a magistrate judge without  
4 adverse substantive consequences. If the parties do not consent, the case will be randomly  
5 assigned to a District Judge of this court.

6 Respondent shall serve this Order on Google and Automattic by May 10, 2023 and file  
7 proof of service.

8  
9 **IT IS SO ORDERED.**

10 Dated: May 5, 2023



United States District Court  
Northern District of California